

AGENDA: November 27, 2007

4.2

CATEGORY: Consent

DEPT.: Fire

TITLE: Amend Chapters 14, 24, 25, 35 of City Code and Adopt 2007 California Fire Code, Incorporating by Reference 2006 International Fire Code (Second Reading)

RECOMMENDATION

Adopt AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I AND II OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2007 CALIFORNIA FIRE CODE, INCORPORATING BY REFERENCE THE 2006 INTERNATIONAL FIRE CODE. (First reading: 7-0)

Adopt AN ORDINANCE AMENDING CHAPTER 24, ARTICLES I AND II OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2007 CALIFORNIA FIRE CODE, INCORPORATING BY REFERENCE THE 2006 INTERNATIONAL FIRE CODE. (First reading: 7-0)

Adopt AN ORDINANCE AMENDING CHAPTER 25, ARTICLE III OF THE MOUNTAIN VIEW CITY CODE, ENTITLED "HOTEL, MOTEL AND MULTIPLE-FAMILY HOUSING INSPECTION." (First reading: 7-0)

Adopt AN ORDINANCE AMENDING CHAPTER 35, ARTICLE III OF THE MOUNTAIN VIEW CITY CODE, ENTITLED "PROVISIONS PERTAINING TO SEWER SERVICE AND SEWAGE DISPOSAL." (First reading: 7-0)

FISCAL IMPACT

The degree of fiscal impact on the business community is expected to be minimal. Expenditures will include \$9,055 for the cost of new 2007 California Code books and associated training for staff. The money is provided for in the Fiscal Year 2007-08 Fire Department budget.

BACKGROUND AND ANALYSIS

On November 6, 2007, the City Council held the first reading of the amendments to the City Code, Chapter 14, Articles I and II; Chapter 24, Articles I and II; Chapter 25, Article III; and Chapter 35, Article III. The amendments reflect the 2006 Triennial Model Code change cycle and local conditions. The second reading, adoption of the ordinance amendments and adoption of the 2007 California Fire Code, incorporating by reference the 2006 International Fire Code, is recommended herein. Attached is the staff report and summary of amendments

from the City Council meeting of November 6, 2007 (Attachment 5), which provides additional background regarding the proposed ordinance amendments.

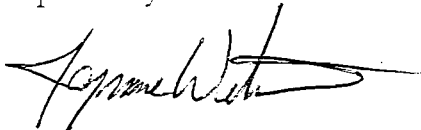
CONCLUSION

The proposed amendments to the above-referenced ordinances of the Mountain View City Code will assure that:

1. Consistency in enforcement of Fire Code and hazardous material requirements is maintained between cities within Santa Clara County.
2. Regulation and enforcement of toxic gas facilities is maintained at the current standard of care.
3. The City stock of multi-family housing is maintained according to the goals approved by City Council.
4. The City of Mountain View continues its proactive efforts to improve the water quality of its creeks as well as the San Francisco Bay.

PUBLIC NOTICING—Agenda posting.

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JW/8/CAM
197-11-27-07M-E^

- Attachments:
1. Draft Chapter 14 Ordinance
 2. Draft Chapter 24 Ordinance
 3. Draft Chapter 25 Ordinance
 4. Draft Chapter 35 Ordinance
 5. November 6, 2007 Council Staff Report and Summary of Amendments

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I AND II OF THE
MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE
2007 CALIFORNIA FIRE CODE, INCORPORATING BY REFERENCE THE
2006 INTERNATIONAL FIRE CODE

WHEREAS, a local entity such as the City of Mountain View must adopt the California Fire Code prior to January 1, 2008 if the local agency desires to maintain local control and allow for amendments to the California Fire Code in order to accommodate local requirements for local conditions; and

WHEREAS, the City of Mountain View has local conditions which require amendments to the California Fire Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 14.1 of Article I of Chapter 14 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 14.1. Adoption of California Fire Code.

The City hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, including Appendix Chapters 1, 4, Appendix B, F, of the California Fire Code standards published by the International Code Council, being particularly the 2007 Edition thereof and the whole thereof, save and except such portions as are hereinafter changed, deleted modified or amended for nonstate-regulated occupancies as defined in California Fire Code Sections 101.3.1 and 101.3.2. A copy of said code has been and is now filed in the office of the fire marshal of the City of Mountain View, and the same, as amended herein, is hereby adopted by reference and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the City of Mountain View."

Section 2. Section 14.1.1 of Article I of Chapter 14 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 14.1.1. Definitions.

a. Wherever the word "municipality" is used in the California Fire Code, it shall mean the city.

b. Wherever the term "corporation counsel" is used in the California Fire Code, it shall mean the city attorney.

c. Fire and environmental protection division includes those employees of the fire department who have the duty of enforcing this code in accordance with and pursuant to California Penal Code Sections 836.5 and 853.6, to arrest persons for violations of such ordinances or statutes and issue notice to appear citations as provided by law. Within the Mountain View city limits, this term shall refer to the fire prevention personnel, hazardous materials personnel, fire marshal and other fire department personnel so designated by the fire chief."

Section 3. Section 14.1.2 of Article I of Chapter 14 shall be added to the Mountain View City Code, to read as follows:

"SEC. 14.1.2. Appendix Chapter 1, Section 101.2 amended.*

Appendix Chapter 1, Section 101.2 of the California Fire Code is amended to read as follows:

"101.2. Community Fire Protection Element. The City of Mountain View has developed a "Community Fire Protection Element" which sets forth the levels of fire protection the city plans to provide. The adoption of this code is a reflection of said levels of protection of "built-in" fire protection equipment which shall be required in order to provide an adequate level of fire protection to the community at a reasonable cost. Anyone constructing or using properties or processes or engaging in other activities which constitute a potentially higher demand on fire department staffing requirements than are planned for may be required to install automatic fire extinguishing systems, fire protection equipment or such other safeguards that will make it possible to provide an adequate fire protection service with the city's normal fire department capability."

Section 4. Section 14.1.3 of Article I of Chapter 4 shall be added to the Mountain View City Code, to read as follows:

"SEC. 14.1.3. Appendix Chapter 1, Section 102.9 amended.

Section 102.9 of the California Fire Code is amended to read as follows:

102.9 Conflicting Provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where there is a conflict between requirements in this code and requirements in other local, state or federal laws, regulations or ordinances, the more restrictive shall be applicable."

Section 5. Section 14.1.4 of Article I of Chapter 14 of the Mountain View City Code is hereby added to the Mountain View City Code to read as follows:

"SEC. 14.1.4. Appendix Chapter 1, Section 105 amended—Permits.

Tables 105.6.8, 105.6.10 and 105.6.20 of the California Fire Code are deleted.

Section 105.6.8 of the California Fire Code is amended to read:

Compressed gases. An operational fire permit is required for the storage, use or handling at normal temperatures and pressures compressed gases in excess of the amounts listed in Tables 2703.1.1(1); 2703.1.1(2); 2703.1.1(3); and 2703.1.1(4), to install any piped distribution system for compressed gases or to install a nonflammable medical gas manifold system. A permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system, except for routine maintenance.

A permit application for approval to close storage, use or handling facilities must be filed at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 2701.6.3. This 30-day period may be waived by the fire chief if there are special circumstances requiring such waiver. Emergency repair work requires a permit and application for such permit shall be filed within two working days of commencement of work.

Section 105.6.10 of the California Fire Code is amended to read:

Cryogenics. Except where federal or state regulations apply and except for fuel systems of the vehicle to produce, an operational fire permit is required to produce, store or handle cryogenics in excess of the amounts listed in Tables 2703.1.1(1);

2703.1.1(2); 2703.1.1(3); and 2703.1.1(4), or to install a cryogenic vessel or piping system for the storage or distribution of cryogens.

Section 105.6.16(2) of the California Fire Code is deleted.

Section 105.6.16(3) of the California Fire Code is deleted.

Section 105.6 of the California Fire Code is amended by adding Subsection 105.6.20.1 to read as follows:

105.6.20.1. **High rises.** High-rise buildings as defined in Title 19 CAC and Health and Safety Code Section 13210.

Section 105.6.47 of the California Fire Code is amended by adding Subsection 105.6.47(4) to read as follows:

105.6.47(4). **Licensed facilities.** Licensed facilities including community care, residential care for the elderly and child day care.

Section 105.7.3 of the California Fire Code is amended to read:

Compressed Gases. When the compressed gases in use or storage exceed the amounts listed in Tables 2703.1.1(1); 2703.1.1(2); 2703.1.1(3); and 2703.1.1(4), a construction fire permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

EXCEPTIONS:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 2701.6.3. The 30-day period is not applicable when approved based on special circumstances requiring such waiver."

Section 6. Section 14.1.4.1 of Article I of Chapter 14 of the Mountain View City Code is hereby added to the Mountain View City Code to read as follows:

"SEC. 14.1.4.1. Chapter 2, Section 202, Definitions, amended.

Chapter 2, Section 202 of the California Fire Code is amended to include the following definitions and shall read:

Other Health Hazard Material is a hazardous material which affects target organs of the body, including, but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effects on fetuses). Other health hazard materials additionally include carcinogens and radioactive materials. See also Section 2702.1—Health Hazard.

Refrigerant Circuit shall consist of all portions of a system that contain refrigerant, high and low pressure.

Semiconductor Fabrication Facility or Comparable Manufacturing, Research and Development Areas is a building or portion of a building classified as a Group H Occupancy in which electrical circuits or devices are created.

Waste Oil is defined as those waste liquids resulting from the use of Class III-B combustible fluids such as waste motor oil, hydraulic oil, lubricating oil; brake fluids and transmission fluids.

Workstation is a defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment."

Section 7. Section 14.1.5 of Chapter 14 of the Mountain View City Code shall be added to read:

"SEC. 14.1.5. Section 308.

Section 308. The following sections shall be deleted from Section 308 of the California Fire Code: 308.3.2; 308.3.6; and 308.3.7."

Section 8. Section 14.1.6 of Chapter 14 of the Mountain View City Code shall be added to read:

"SEC. 14.1.6. Section 311.

Section 311. The following sections shall be deleted from Section 311 of the California Fire Code: 311.5; 311.5.1; 311.5.2; 311.5.3; 311.5.4 and 311.5.5."

Section 9. Section 14.2 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety and a new Section 14.2 is added to read:

"SEC. 14.2. Amend Section 404.

Chapter 4, Section 404 of the California Fire Code is amended to read as follows:

404.2 Where Required. An approved fire safety and evacuation plan shall be prepared and maintained for the following occupancies and buildings.

1. Group A buildings having an occupant load of 100 or more persons.
2. Group B buildings have an occupant load of 500 or more persons.
3. Group E: See §3.13 Title 19, CCR.
4. Group H.
5. Group I. See §3.09 Title 19, CCR.
6. Group R-1. See §3.09 Title 19, CCR.
7. Group R-2 college and university buildings.
8. Group R-4.
9. Group M buildings having an occupant load of 500 or more persons.
10. Covered malls exceeding 50,000 square feet (4,645 m²) in aggregate floor area.
11. Underground buildings.

404.3.1 Fire Evacuation Plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.

2. Description of what the fire alarm, if required, sounds and looks like (audible and visual warning devices).
3. Procedures for employees who must remain to operate critical equipment before evacuating.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice message, where provided."

Section 10. Section 14.2A of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 11. Section 14.2.3 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety and a new Section 14.2.3 is added to read:

"SEC. 14.2.3. Amend Table 405.2.

Table 405.2 in the California Fire Code is amended to read as follows:

**TABLE 405.2
FIRE AND EVACUATION DRILL
FREQUENCY AND PARTICIPATION**

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B ^a	Annually	Employees
Group E	See §3.13 Title 19, CCR	
Group I	See §3.09 Title 19, CCR	
Group R-1	See §3.09 Title 19, CCR	
Group R-2 ^b	Four annually	All occupants
Group R-4	Quarterly on each shift	Employees ^d
	See §3.13 Title 19, CCR	
High-rise Buildings ^c	See §3.13 Title 19, CCR	

- a. Group B buildings have an occupant load of 500 or more persons.
- b. Applicable to Group R-2 college and university buildings only.
- c. Applicable to high-rise office buildings only.
- d. Fire and evacuation drills in residential care assisted living facilities shall include complete evacuation of the premises in accordance with Section 408.10.5. Where occupants receive habilitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program."

Section 12. Section 14.2.4 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety and a new Section 14.2.4 is added to read:

"SEC. 14.2.4. Section 408.

The following sections shall be deleted from Section 408 of the California Fire Code: Sections 408.2.2; 408.3.1; 408.3.2; 408.3.3; 408.3.4; 408.5.1; 408.5.2; 408.5.3; 408.5.4; 408.5.5; 408.6; 408.6.1; 408.7; 408.7.1; 408.7.2; 408.7.3; 408.8; 408.8.2; and 408.8.3."

Section 13. Section 14.2.5 of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety and a new Section 14.2.5 is added to read:

"SEC. 14.2.5. Chapter 5, Section 503.2, Fire Apparatus Access Roads, amended.

Section 503.2.1 of the California Fire Code is amended to read as follows:

503.2.1. Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm). Unobstructed width shall mean a clear travelway, excluding parking width and designed for emergency vehicle weight. It shall not include the width of rolled curbs, sidewalks or nondrivable surfaces.

EXCEPTIONS:

1. Unobstructed width may be reduced to eighteen (18) feet provided all structures served by the modified access road are protected by an approved automatic fire sprinkler system.
2. Vertical clearances or widths shall be increased when, in the opinion of the fire chief, vertical clearances or widths are not adequate to provide fire apparatus access.

Section 503.2.4 of the California Fire Code is amended to read as follows:

503.2.4. Turning Radius. The turning radius of a fire apparatus access road shall be as described in the City of Mountain View fire department's "Standard Details and Specifications for Fire Apparatus Turnaround Access."

EXCEPTION:

When the turning radius does not meet the City of Mountain View fire department's "Standard Details and Specifications for Fire Apparatus Turnaround Access," all structures located more than one hundred fifty (150) feet away from the nearest compliant turnaround and served by the fire apparatus access road shall be protected by an approved fire sprinkler system.

Section 503.2.5 of the California Fire Code is amended to read as follows:

503.2.5. Dead Ends. Dead-end fire apparatus access roads in excess of one hundred fifty (150) feet (45,720 mm) in length shall be provided with approved provisions for the turning around, of fire apparatus. Approved provisions shall mean turnarounds as described in the City of Mountain View fire department's "Standard Details and Specifications for Fire Apparatus Turnaround Access.:

EXCEPTION:

When turnaround provisions do not comply with Section 503.2.4, as amended, on fire apparatus access roads exceeding one hundred fifty (150) feet, all structures located more than one hundred fifty (150) feet away from the nearest compliant turnaround and served by the fire apparatus access road shall be protected by an approved automatic fire sprinkler system."

Section 14. Section 14.2.6 of Article I of Chapter 14 of the Mountain View City Code is added to read:

"SEC. 14.2.6. Chapter 5, Section 504, Access to Buildings and Roofs.

504.4. Access Control Devices. When access control devices, including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the fire chief or his/her designee. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department.

Access control devices shall also comply with Chapter 10 Egress."

Section 15. Section 14.2.7 of Article I of Chapter 14 of the Mountain View City Code is added to read:

"SEC. 14.2.7. Chapter 5, Section 505, Address Numbers.

Chapter 5, Section 505, Address Numbers, of the California Fire Code is amended to read as follows:

505.1. Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch."

Section 16. Section 14.2.8 of Article I of Chapter 14 of the Mountain View City Code shall be added to read:

"SEC. 14.2.8. Chapter 5, Section 507.4, Roof Guardrails.

Section 507.4 shall be added to read:

507.4. Roof Guardrails at Interior Courts. Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42" in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12" diameter sphere cannot pass through.

EXCEPTION:

Where the roof opening is greater than 600 square feet in area."

Section 17. Section 14.2.9 of Chapter 14 of the Mountain View City Code is added to read:

"SEC. 14.2.9. Chapter 5, Section 510.1, Fire Protection Equipment.

Section 510.1 of the California Fire Code is amended to read as follows:

510.1. Fire-protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. Fire Department Connections (FDCs) and control valves shall also be identified by their function and occupancy(ies)/address(es) they serve.

When required by the fire chief, hydrant locations shall be identified by installation of reflective markers."

Section 18. Section 14.3 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety and a new Section 14.3 is added to read:

"SEC. 14.3. Chapter 6, Section 603.4.2, Portable Heaters.

Section 603.4.2 shall be added to read as follows:

603.4.2. Portable Unvented Heaters Used in Other Occupancies and Outside Locations. Use of portable unvented heaters in other occupancies and outside locations shall be approved by the fire chief or his/her designee."

Section 19. Section 14.3.1 of Article I of Chapter 14 of the Mountain View City Code shall be added to read:

"SEC. 14.3.1. Chapter 6, Section 605.11, Immersion Heaters.

Section 605.11 shall be added to read as follows:

605.11. Immersion Heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved overtemperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided."

Section 20. Section 14.3.2 of Article I of Chapter 14 of the Mountain View City Code shall be added to read:

"SEC. 14.3.2. Chapter 6, Section 608.6.3. Ventilation System.

Section 608.6.3 shall be added to read as follows:

608.6.3. Failure of Ventilation System. Failure of the ventilation system shall automatically disengage the charging system."

Section 21. Section 14.3.3 of Article I of Chapter 14 of the Mountain View City Code shall be added to read:

"SEC. 14.3.3. Chapter 9, Section 901.6, Fire Alarm and Detection Systems Installed Prior to this Ordinance, amended.

Section 901.6 of the California Fire Code is amended by adding Subsections 901.6.3 and 901.6.4 to read as follows:

901.6.3. Fire alarm and detection systems installed prior to the adoption of this code shall be maintained per NFPA 72 regardless if said system was a requirement at the time of installation.

Fire alarm and detection systems in multi-family (R-1) occupancies that were required under a previous ordinance shall have their use continued or removed and provided with AC-wired single-station (local alarm) smoke detectors with battery backup. Detectors shall be located in all areas giving access to rooms used for sleeping purposes. Sleeping rooms located above floors shall have a smoke detector at the top of the stairs and/or on each stair landing.

901.6.4. Multi-family (R-1) occupancies with interior exit corridors that were built prior to 1983 and who failed to install thermal detection systems per Ordinance 15.80,

Section 13.307(b), shall have their use terminated or shall comply within a reasonable time frame set forth by the fire marshal."

Section 22. Section 14.3.4 of Article I of Chapter 14 of the Mountain View City Code shall be added to read:

"SEC. 14.3.4. Chapter 9, Section 903.2, Automatic Sprinkler Systems, amended.

Chapter 9, Sections 903.2 and 903.3.1 of the California Fire Code are amended to read as follows:

903.2. Where Required. Approved automatic sprinkler systems in new buildings and structures and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.13 and as follows, whichever is the more restrictive:

(a) Standard automatic sprinkler systems shall be installed throughout all buildings three thousand six hundred (3,600) or more square feet in area as calculated herein. The chief of the fire department may impose the requirement for automatic sprinkler systems set forth in this section when, in his opinion, the design or construction of the building or the complex of which it is a part, or access to the building (for fire fighting purposes), is of such a nature as to require the imposition of such a requirement in order to comply with the intent of this Division and with reasonable fire safety standards.

(b) In determining whether an automatic fire sprinkler system is required, the following formula shall be used:

(i) Determine the gross floor area square footage, per floor under the horizontal projection of the roof above.

(ii) Multiply the gross floor area as determined herein by the number of stories. A full basement shall be counted as a story and the floor area of mezzanine(s) shall be added to the gross floor area of the story in which they are located.

(iii) If the building's total gross floor area square footage equals or exceeds three thousand six hundred (3,600) square feet, an approved automatic fire sprinkler system is required.

(iv) For the purposes of determining whether automatic fire sprinklers are required in a building, the installation of occupancy and/or area separation walls will not be considered to create separate buildings.

(c) An approved automatic fire sprinkler system is required in buildings constructed for multi-family residential use consisting of five (5) or more units and having interior corridors regardless of the gross floor area.

(d) Any change in the character of occupancy or in the use of any building with a square footage at or over 3,600 which, in the opinion of the fire chief or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹, or increased fire risk², shall require the installation of an approved automatic fire sprinkler system.

Definition only—Not limited to:

¹ Life Safety—Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting system due to increased occupant loads, large schools/day-care facilities, large residential care facilities with nonambulatory clients.

² Fire Risks—High piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flame).

(e) When an existing building at or over 3,600 square feet undergoes improvements to the building in excess of 50 percent of the current building valuation as established by the city adopted edition of the International Building Code, the installation of an approved automatic sprinkler system is required.

(f) When an existing, nonsprinklered building's square footage is increased to or over 3,600 square feet, the installation of an approved automatic sprinkler system is required.

903.3.1. Standards. Sprinkler systems shall be designed and installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 and the City of Mountain View "Automatic Fire Sprinklers Requirements."

Section 23. Section 14.4 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 24. Section 14.5 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 25. Section 14.6 of Article I of Chapter 14 of the Mountain View City Code is deleted in its entirety and a new Section 14.6 added to read as follows:

"SEC. 14.6. Chapter 9, Section 905.3, Standpipe Systems, amended.

Sections 905.3, 905.3.2, 905.3.3 and 905.3.5 are amended to read as follows:

905.3. Required installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.10.1 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are allowed to be combined with automatic sprinkler systems.

Exception: In sprinklered buildings where the floor level of the highest story is located 30 feet or less above the lowest level of the fire department vehicular access, 1-1/2-inch national standard hose valve connections, complying with NFPA standards, shall be provided for fire department use. They shall be located so that all portions of the building are within 150 feet travel distance of a connection. Standpipe systems are not required in Group R-3 occupancies.

905.3.1. Building Height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9,144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9,144 mm) below the highest level of fire department vehicle access.

EXCEPTIONS:

1. In determining the lowest level of fire department vehicle access, it shall not be required to consider:
 - 1.1. Recessed loading docks for four vehicles or less, and
 - 1.2. Conditions where topography makes access from the fire department vehicle access from the fire department vehicle to the building impractical or impossible.
2. In sprinklered buildings where the floor level of the highest story is located 30 feet or less above the lowest level of the fire department vehicular access, 1-1/2 inch national standard hose valve connections, complying with NFPA standards, shall be provided for fire department use. They shall be located so that all portions of the building are within 150 feet travel distance of a connection.

950.3.2. Group A. Class II (without hose) automatic wet standpipes shall be provided in nonsprinklered Group A buildings having an occupant load exceeding 1,000 persons.

EXCEPTIONS:

1. Open-air-seating spaces without enclosed spaces.

905.3.3. Covered Mall Buildings. A covered mall building shall be equipped throughout with a standpipe system where required by Section 905.3.1. Covered mall buildings not required to be equipped with a standpipe system by Section 905.3.1 shall be equipped with Class II hose connections (without hose) connected to a system sized to deliver water at 250 gallons per minute (946.4 L/min) at the most hydraulically remote outlet. Hose connections shall be provided at each of the following locations:

1. Within the mall at the entrance to each exit passageway or corridor.
2. At each floor-level landing within enclosed stairways opening directly on the mall.
3. At exterior public entrances to the mall.

905.3.5. Underground Buildings. Underground buildings shall be equipped throughout with a Class III automatic wet standpipe system."

Section 26. Section 14.7 of Article I of Chapter 14 of the Mountain View City Code shall be added to read as follows:

"SEC. 14.7. Chapter 14, Section 1411.1, Fire Safety During Construction and Demolition, amended.

Section 1411.1 of the California Fire Code shall be amended to read as follows:

1411.1. Stairways Required. All floor levels above the first story in new multi-story buildings that require two exit stairs shall be provided with at least two usable exit stairways (temporary or permanent) after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

EXCEPTIONS: For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.)."

Section 27. Section 14.8 of Article I of Chapter 14 of the Mountain View City Code shall be amended to read as follows:

"SEC. 14.8. Chapter 4, Section 401.3.1, Making False Report, amended.

Chapter 4, Section 401.3.1 of the California Fire Code is amended to read as follows:

401.3.1. Making False Report. It shall be unlawful for any person to give, signal or transmit or for any person to cause or permit to be given, signaled or transmitted in any manner any false alarm. The fee for such false alarm shall be set by council resolution."

Section 28. Section 14.9.2 of Article I of Chapter 14 of the Mountain View City Code is amended to read as follows:

"SEC. 14.9.2. Section 3401.4.1, Plans, amended.

3401.4.1. Plans. Plans shall be submitted with each application for a permit to store liquids outside of buildings in drums and tanks. The plans shall indicate the method of storage, quantities to be stored, distances from buildings and property lines, accessways, fire protection facilities and provisions for spill control and secondary containment."

Section 29. Section 14.11 of Article I of Chapter 14 of the Mountain View City Code shall be amended to read as follows:

"SEC. 14.11. Section 2306.4, Automatic Sprinklers, amended.

Chapter 23, Section 2306.4 of the California Fire Code, is amended to read as follows:

2306.4. Automatic Sprinklers. Automatic sprinkler systems shall be provided in accordance with Sections 2307, 2308, 2309 and 903.2 as amended."

Section 30. Section 14.12 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 31. Section 14.15 of Article I of Chapter 14 of the Mountain View City Code shall be deleted in its entirety and a new Section 14.15 added to read as follows:

"SEC. 14.15. Fee schedule.

a. The fees for the primary inspection, first reinspection and any inspection thereafter shall be established by council resolution;

b. The fees for special inspections of temporary installations/events shall be established by council resolution. These shall include, but not be limited to: fireworks displays, pyrotechnic displays, temporary membrane structures (tents, canopies); carnivals, parades, fairs, haunted houses, Christmas tree lots, pumpkin patches, etc.

c. The fees for fire permits, as described in Appendix Chapter 1, Section 105, shall be established by council resolution;

d. Late fees (130 days past due) for fire permits, as described in Appendix Chapter 1 Section 105, shall be established by council resolution.

e. Maintenance fees for fire protection or extinguishing systems shall be established by council resolution. These shall include, but not be limited to: fire alarm systems, sprinkler systems, standpipe systems, hood and duct systems, private fire hydrants, etc."

Section 32. Section 14.17 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 33. Section 14.18 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 34. Section 14.19 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 35. Section 14.20 of Article I of Chapter 14 of the Mountain View City Code shall be amended to read as follows:

"SEC. 14.20. Chapter 38, Section 3804.2 amended.

Chapter 38, Section 3804.2 of the California Fire Code is amended to read as follows:

3804.2. Maximum Capacity within Established Limits. Liquefied Petroleum Gas (LPG) shall not be permitted within the city limits where natural gas mains exist. Upon the installation of natural gas mains, conversion from LPG to natural gas must be made within thirty (30) days of the installation of the mains. When an area is annexed to the city and no natural gas mains exist, the use of LPG may be continued until natural gas mains are installed. If natural gas mains exist within the area of annexation, conversion from LPG to natural gas shall be made within thirty (30) days of annexation.

EXCEPTION: Installations of LPG tanks may be permitted within the city limits if used for: (1) emergency standby power supply; (2) filling of portable containers

for retail sales; or (3) industrial operators where natural gas would not provide a workable substitute."

Section 36. Section 14.21 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 37. Section 14.23 of Article I of Chapter 14 of the Mountain View City Code shall be amended to read as follows:

"SEC. 14.23. Chapter 34, Section 3402.1 amended.

Section 3402.1 of the California Fire Code is amended by adding the definition of temporary:

Temporary shall not exceed one year."

Section 38. Section 14.24 of Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 39. Section 14.25 of Article I of Chapter 14 of the Mountain View City Code shall be amended to read as follows:

"SEC. 14.25. Chapter 34, Section 3404.2.9.5 amended.

Section 3404.2.9.5.1 of the California Fire Code is amended to read as follows:

3404.2.9.5.1. Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within any portion of the City of Mountain View, now or hereafter existing.

EXCEPTIONS:

1. Double-wall steel aboveground tanks not exceeding 660-gallon capacity used for the storage of diesel fuel (including integral diesel fuel storage tanks) to power listed generators or fire pumps. Tanks of 0- to 660-gallon capacity shall be located a minimum of ten (10) feet from any building and property line which is or can be built upon unless protected by an unpierced two (2) hour fire-resistive wall extending not less than thirty (30) inches above and to the sides of the storage area.

2. Double-wall protected aboveground storage tanks storing diesel fuel that are used to power listed generators or fire-pumps shall not exceed 4,000 gallons individual capacity and 16,000 gallons aggregate capacity. Tanks of 661 to 4,000-gallon capacity shall be located a minimum of ten (10) feet from any building and fifteen (15) feet from a property line which is or can be built upon unless protected by an unpierced two

(2) hour fire-resistive wall extending not less than thirty (30) inches above and to the sides of the storage area. Tanks shall be installed in accordance with Chapter 22 as amended."

Section 40. Section 14.26 of Article I of Chapter 14 of the Mountain View City Code shall be amended to read as follows:

"**SEC. 14.26. Chapter 27, Section 2703.9.8 amended.**

Section 2703.9.8 of the California Fire Code is amended to read as follows:

2703.9.8. Separation of Incompatible Materials. Incompatible materials in storage and storage of materials incompatible with materials in use shall be separated in accordance with Section 24.3.0(r), Chapter 24, MVCC, entitled "Separation of Materials."

Section 41. Section 14.30 of Article II of Chapter 14 of the Mountain View City Code shall be amended to read as follows:

"**SEC. 14.30. Chapter 33, Section 3301.1 amended.**

Section 3301.1 of California Fire Code is amended to read as follows:

3301.1. Scope. For explosives requirements, see Title 19 California Code of Regulations Chapter 10 and Section 3301.1.1 as amended. For fireworks requirements, see Title 19 California Code of Regulations Chapter 6 and Sections 3301.1.1 and 3301.1.3 as amended.

EXCEPTIONS:

1. The armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
5. Items preempted by federal regulations."

Section 42. Section 14.31 of Article II of Chapter 14 of the Mountain View City Code shall be amended to read as follows:

"SEC. 14.31. Chapter 33, Section 3301.1.1 added.

Section 3301.1.1 is added to read:

3301.1.1. Explosives. The possession, manufacture, storage, sale, handling and use of explosives are prohibited.

EXCEPTIONS:

1. Possession, storage, handling and use of explosives for test and research purposes is allowed with permit and approval of the fire chief or his/her designee.
2. Possession, storage, handling and use of squibs, explosive nuts or bolts and similar small quantity explosive devices is allowed with permit and approval of the fire chief or his/her designee."

Section 43. Section 14.32 of Article II of Chapter 14 of the Mountain View City Code is added to read as follows:

"SEC. 14.32. Chapter 33, Section 3301.1.2 added.

Section 3301.1.2 is added to read:

3301.1.2. Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

EXCEPTIONS:

1. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions when handled and used by a California State licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief and his/her designee.
2. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings, equipped throughout with an approved fire sprinkler system, when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions and when

handled and used by a California State licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief and his/her designee."

Section 44. Section 14.33 of Article II of Chapter 14 of the Mountain View City Code is added to read as follows:

"**SEC. 14.33. Chapter 33, Section 3301.1.3 added.**

Section 3301.1.3 is added to read:

3301.1.3. Model Rocketry. The storage, handling and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as with permit and approval of the fire chief or his/her designee."

Section 45. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 46. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 47. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 6th day of November, 2007, and will be given a second reading and presented for adoption at the Special Meeting of said City Council, to be held on the 27th day of November, 2007.

(SEAL)

PUBLISHED: _____

ANGELITA M. SALVADOR, CITY CLERK
CITY OF MOUNTAIN VIEW

JLQ/8/ORD
010-10-03-07o-E^

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 24, ARTICLES I AND II OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2007 CALIFORNIA FIRE CODE, INCORPORATING BY REFERENCE THE 2006 INTERNATIONAL FIRE CODE

WHEREAS, the City of Mountain View has local conditions which require amendments to both the California Fire Code and International Fire Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 24.1.3 of Article I of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.1.3. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

- a. "Abandoned," when referring to a storage facility, means out of service and not safeguarded in compliance with this chapter.
- b. "Acutely hazardous materials" means any chemical designated as an extremely hazardous substance which is listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations (as referenced in California Health and Safety Code Division 20, Chapter 6.95, Article 2, Section 25532).
- c. "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership or association. For purposes of this chapter, "business" includes a business organized for profit and a nonprofit business.
- d. "Chemical name" means the scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the system developed by the Chemical Abstract Service (CAS).
- e. "City" means the City of Mountain View.

f. "Combustible liquid" is a liquid having a closed-cup flashpoint at or above one hundred (100) degrees Fahrenheit (Note: this is the California Fire Code definition; D.O.T. defines "combustible liquid" differently).

g. "Common name" means any designation or identification such as a code name, code number, trade name or brand name used to identify a substance other than by its chemical name.

h. "Compressed gas cylinder" means a cylinder containing: (a) a gas or mixture of gases at an absolute pressure exceeding forty (40) pounds per square inch at seventy (70) degrees Fahrenheit; or (b) a gas or mixture of gases at an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees Fahrenheit regardless of the pressure at seventy (70) degrees Fahrenheit; or (c) a liquid having a vapor pressure exceeding forty (40) pounds per square inch at one hundred (100) degrees Fahrenheit.

i. "Corrosive gas" means a gas as defined in Article II of this chapter.

j. "Corrosive liquid" means a liquid that has a pH equal to or greater than 12.5 or less than or equal to 2.0 and as defined in 173 of 49 CFR.

k. "Corrosive solid" means a solid that has a pH equal to or greater than 12.5 or less than or equal to 2.0 when hydrated with water and as defined in 173 of 49 CFR.

l. "Cryogen" is a fluid that has a normal boiling point lower than one hundred thirty (-130) degrees Fahrenheit (-89.9 degrees Celsius) at 14.7 psi atmosphere (psia).

m. "Dangerous when wet liquid" means a liquid as defined in 173 of 49 CFR.

n. "Dangerous when wet solid" means a solid as defined in 173 of 49 CFR.

o. "Dispense" means to pour or transfer a material from a container, tank or similar vessel whereby vapors, dusts, fumes, mists or gases could be liberated to the atmosphere.

p. "D.O.T." is an abbreviation for Department of Transportation and refers to this Federal agency.

q. "Environmental compliance plan (ECP)" means a written plan containing the information required pursuant to Section 25500 *et seq.* of the California Health and Safety Code and additional locally required information as described in Division IV of this chapter. For the purposes of this chapter, the terms "hazardous materials business plan (HMBP)," "hazardous materials management plan (HMMP)" and "environmental compliance plan (ECP)" refer to the same plan and can be used interchangeably.

r. "Explosive" means: (a) chemicals that cause a sudden, almost instantaneous release of pressure, gas and heat when subjected to sudden shock, pressure or high temperatures; or (b) materials or chemicals, other than blasting agents, that are commonly used or intended to be used for the purpose of producing an explosive effect.

s. "Facility" means a building or buildings, appurtenant structures and surrounding land area used by a single business entity at a single location or site.

t. "Flammable gas" is a gas at sixty-eight (68) degrees Fahrenheit or less at 14.7 psi atmosphere of pressure which is ignitable when in a mixture of thirteen (13) percent or less by volume with air or which has a flammable range with air of at least twelve (12) percent regardless of the lower limit.

u. "Flammable liquid" is a liquid having a closed-cup flash point below one hundred (100) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) psia at one hundred (100) degrees Fahrenheit.

v. "Flammable solid" means any of the following three types of materials:

1. Wetted explosives that:

(a) When dry are explosives of Class 1 other than those of compatibility Group A which are wetted with sufficient water, alcohol or plasticizer to suppress explosive properties; and

(b) Are specifically authorized by name either in 172.101 Table of 49 CFR or have been assigned a shipping name and hazard class by the associate administrator for hazardous materials safety;

2. Self-reactive materials. These are materials that are liable to undergo, at normal or elevated temperatures, a strongly exothermal decomposition caused by excessively high transport temperatures or by contamination; and

3. Readily combustible solids. These are materials that:

(a) Are solids which may cause a fire through friction such as matches;

(b) Show a burning rate faster than 2.2 mm per second when tested in accordance with 173 of 49 CFR; or

(c) Any metal powders that can be ignited and react over the whole length of a sample when tested in accordance with 173 of 49 CFR.

w. "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge or dispose of a hazardous material in any fashion.

x. "Handler" means any person, firm or corporation which handles a hazardous material.

y. "Hazard class" means dangerous when wet liquids, dangerous when wet solids, flammable liquids, combustible liquids, flammable solids, oxidizer liquids, oxidizer solids, oxidizer gases, organic peroxide liquids, organic peroxide solids, corrosive liquids, corrosive solids, corrosive gases, flammable gases, nonflammable gases, poisonous material gases, poisonous material liquids, poisonous material solids, infectious substances, radioactive materials, cryogens, miscellaneous hazardous material liquids, miscellaneous hazardous material solids, spontaneously combustible liquids, spontaneously combustible solids.

z. "Hazardous material" means any material which is subject to regulation pursuant to Division II of this chapter. A mixture shall be deemed to be a hazardous material if it either is: (a) a waste and contains any material regulated pursuant to Article II of this chapter; (b) a nonwaste (other than toxic, highly toxic, moderately toxic or poisonous solids, liquids or gases) and contains one (1) percent by weight or more of any material regulated pursuant to Division II of this chapter; or (c) is a nonwaste and contains any amount of material regulated as a toxic, highly toxic, moderately toxic or poisonous solid, liquid or gas.

The definition of mixtures shall not apply to hazardous substances stored in underground storage tanks, and any amount of a hazardous substance in an underground storage tank shall be regulated as a hazardous material.

aa. "Hazardous materials business plan (HMBP)" means a written plan containing the information required pursuant to Section 25500 *et seq.* of the California Health and Safety Code and additional locally required information as described in Division IV of this chapter. For the purposes of this chapter, the terms "hazardous materials business plan (HMBP)," "hazardous materials management plan (HMMP)" and "environmental compliance plan (ECP)" refer to the same plan and can be used interchangeably.

bb. "Hazardous materials management plan (HMMP)" means a written plan containing the information required pursuant to Section 25500 *et seq.* of the California Health and Safety Code and additional locally required information as described in Division IV of this chapter. For the purposes of this chapter, the terms "hazardous materials business plan (HMBP)," "hazardous materials management plan (HMMP)" and "environmental compliance plan (ECP)" refer to the same plan and can be used interchangeably.

cc. "Infectious substance" means a viable microorganism, or its toxin, which causes or may cause disease in humans or animals and includes those agents listed in 42 CFR 72.3 of the regulations of the Department of Health and Human Services or any other agent that causes or may cause severe, disabling or fatal disease. The terms "infectious substance" and "etiologic agent" are synonymous for the purposes of this chapter.

dd. "Miscellaneous hazardous material liquids" means any liquid which a handler or the city has a reasonable basis for believing that it would be injurious to the health and safety of persons or property or be harmful to the environment if released into the workplace or environment and is not otherwise classified under any other hazard classes described in this chapter.

ee. "Miscellaneous hazardous material solids" means any solid which a handler or the city has a reasonable basis for believing that it would be injurious to the health and safety of persons or property or be harmful to the environment if released into the workplace or environment and is not otherwise classified under any other hazard classes described in this chapter.

ff. "MSDS" is an abbreviation for "material safety data sheet" and refers to written or printed material concerning a hazardous material which is prepared in accordance with the provisions of 29 CFR 1910.1200.

gg. "Nonflammable gas" is any inert material or inert mixture that, when enclosed in a container, has an absolute pressure exceeding forty (40) psi at seventy (70) degrees Fahrenheit or, regardless of the pressure at seventy (70) degrees Fahrenheit, having an absolute pressure exceeding one hundred forty (140) psi at one hundred thirty (130) degrees Fahrenheit.

hh. "Normal temperature and pressure means a temperature of seventy (70) degrees Fahrenheit and pressure of one (1) atmosphere (14.7 psia).

ii. "Officer" means the employee assigned by city to administer this chapter or any designee of such employee.

jj. "Organic peroxide liquid" means any organic liquid containing oxygen in the bivalent (-O-O-) structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals.

kk. "Organic peroxide solid" means any organic solid containing oxygen in the bivalent (-O-O-) structure and which may be considered a derivative of hydrogen

peroxide where one or more of the hydrogen atoms have been replaced by organic radicals.

ll. "Oxidizer gas" means a gas that can support and accelerate combustion of other material.

mm. "Oxidizer liquid" means a material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or initiate combustion of combustible materials.

nn. "Oxidizer solid" means a material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or initiate combustion of combustible materials.

oo. "Permit" means any hazardous materials permit issued pursuant to this chapter as well as any additional approvals thereto.

pp. "Permit quantity limit" means the maximum amount of hazardous material that can be stored or handled in a storage facility. Separate permit quantity limits will be set for each storage facility for which a permit is obtained in accordance with the requirements of this chapter.

qq. "Permittee" means any person, firm or corporation to whom a permit is issued pursuant to this chapter and any authorized representative, agent or designee of such person, firm or corporation.

rr. "Pipes" means pipeline systems which are used in connection with the storage or handling of hazardous materials exclusively within the confines of a facility and which are not intended to transport hazardous materials in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel.

ss. "Poisonous material gas" means a material which is a gas at twenty (20) degrees Celsius or less and a pressure of 101.3 kPa (14.7 psi) (a material which has a boiling point of twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) or less at 101.3 kPa (14.7 psi)) and which:

1. Is known to be so toxic to humans as to pose a hazard to health during transportation, or

2. In the absence of adequate data on human toxicity is presumed to be toxic to humans because when tested on laboratory animals it has an LC_{50} value of not more than 5,000 ml/m³.

tt. "Poisonous material liquid" means a liquid which is known to be so toxic to humans as to pose a hazard to health during transportation or which in the absence of adequate data on human toxicity:

1. Is presumed to be toxic to humans because it falls within any one of the following categories when tested on laboratory animals:

(a) **Oral toxicity.** A liquid with an LD50 for acute oral toxicity of not more than 500 mg/kg.

(b) **Dermal toxicity.** A material with an LD50 for acute dermal toxicity of not more than 1,000 mg/kg.

(c) **Inhalation toxicity.** (a) a dust or mist with an LC₅₀ for acute toxicity on inhalation of not more than 10 mg/L; or (b) a material with a saturated vapor concentration in air at twenty (20) degrees Celsius greater than or equal to one-fifth of the LC₅₀ for acute toxicity on inhalation of vapors and with an LC₅₀ for acute toxicity on inhalation of vapors of not more than 5,000 ml/m³.

2. Is an irritating material, with properties similar to tear gas, which causes extreme irritation, especially in confined spaces.

uu. "Poisonous material solid" means a solid which is known to be so toxic to humans as to pose a hazard to health during transportation or which in the absence of adequate data on human toxicity:

1. Is presumed to be toxic to humans because it falls within any one of the following categories when tested on laboratory animals:

(a) **Oral toxicity.** A liquid with an LD50 for acute oral toxicity of not more than 200 mg/kg.

(b) **Dermal toxicity.** A material with an LD50 for acute dermal toxicity of not more than 1,000 mg/kg.

(c) **Inhalation toxicity.** (a) a dust or mist with an LC₅₀ for acute toxicity on inhalation of not more than 10 mg/L; or (b) a material with a saturated vapor concentration in air at twenty (20) degrees Celsius greater than or equal to one-fifth of the LC₅₀ for acute toxicity on inhalation of vapors and with an LC₅₀ for acute toxicity on inhalation of vapors of not more than 5,000 ml/m³.

2. Is an irritating material, with properties similar to tear gas, which causes extreme irritation, especially in confined spaces.

vv. "Primary containment" means the first level of containment (i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained).

ww. "Product-tight" means impervious to the hazardous material which is contained, or is to be contained, so as to prevent the seepage of the hazardous material from the primary containment. To be product-tight, the containment shall be made of or created by a material that is not subject to physical or chemical deterioration by the hazardous material or naturally occurring contaminants being contained.

xx. "Radioactive" means any material or combination of materials that has a specific activity greater than 0.002 microcuries per gram.

yy. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or dispensing outside of the primary containment.

zz. "Retail sales occupancy" means the occupancy or use of a building or structure or any portion thereof for displaying, selling or buying of goods, wares or merchandise.

aaa. "Secondary containment" means the level of containment external to and separate from the primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

bbb. "SIC code" means the identification number assigned by the Standard Industrial Classification Code to specific types of businesses.

ccc. "Single-walled" means construction with walls made of but one thickness of material. Laminated, coated or clad materials shall be considered as single-walled.

ddd. "Spill control" means rooms, buildings or areas used for the storage of hazardous material liquids with provisions to prevent the flow of liquids to adjoining areas.

eee. "Spontaneously combustible liquid" means:

1. **A pyrophoric liquid.** A pyrophoric liquid is a liquid that, even in small quantities and without an external ignition source, can ignite within five (5) minutes after coming in contact with air when tested according to 173 of 49 CFR.

2. **A self-heating liquid.** A self-heating liquid is a liquid that, when in contact with air and without an energy supply, is liable to self-heat. A liquid of this

type exhibits spontaneous ignition or the temperature of the sample exceeds two hundred (200) degrees Celsius during the twenty-four (24) hour test period when tested in accordance with 173 of 49 CFR.

fff. "Spontaneously combustible solid" means:

1. **A pyrophoric solid.** A pyrophoric solid is a solid that, even in small quantities and without an external ignition source, can ignite within five (5) minutes after coming in contact with air when tested according to 173 of 49 CFR.

2. **A self-heating solid.** A self-heating solid is a solid that, when in contact with air and without an energy supply, is liable to self-heat. A solid of this type exhibits spontaneous ignition or the temperature of the sample exceeds two hundred (200) degrees Celsius during the twenty-four (24) hour test period when tested in accordance with 173 of 49 CFR.

ggg. "Stationary tank" means any packaging designed primarily for stationary installation not intended for loading, unloading or attachment to a transport vehicle as part of its normal operation in the process of use.

hhh. "Storage facility" is a facility that stores, handles or uses one (1) or combination of tanks, sumps, reservoirs, wet floors, waste treatment facilities, pipes, vaults or other portable or fixed containers, used, or designed to be used, for the storage of hazardous materials or other regulated materials at a facility.

iii. "STP" is an abbreviation for standard temperature and pressure and means zero (0) degrees Celsius temperature at one (1) atmosphere of pressure.

jjj. "Sump" means a pit or well in which liquids collect.

kkk. "Threatened release" means a condition creating a substantial probability of harm when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or the environment.

lll. "Trade secret" means trade secrets as defined in Subdivision (d) of Section 6254.7 of the Government Code and Section 1060 of the Evidence Code.

mmm. "Unauthorized discharge" means any release or emission of any hazardous material or other regulated material which does not conform to the provisions of this chapter, unless such release is in accordance with the release regulations of the Bay Area Air Quality Management District and California Air Resources Board, with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the Regional Water Quality Control Board

pursuant to the Porter-Cologne Water Quality Act, or with local sewer pretreatment requirements for publicly owned treatment works. (Ord. No. 19.83, 9/27/83; Ord. No. 7.90, 3/13/90; Ord. No. 21.95, 11/28/95.)"

Section 2. Section 24.2.0 of Article I of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.2.0. Materials regulated.

The materials regulated by this chapter shall consist of any materials that, because of their quantity, concentration or physical or chemical characteristics, pose a significant present or potential physical or health hazard to human health and safety, to property or to the environment if released into the workplace or the environment. These shall include, but not be limited to:

- a. Any material regulated under Section 25501 or 25532 of Chapter 6.95 of the California Health and Safety Code.
- b. Any material regulated under Section 25281 of Chapter 6.7 of the California Health and Safety Code.
- c. Any material regulated by the California Fire Code.
- d. Any material regulated under Division 20, Chapter 6.5, of the California Health and Safety Code.
- e. Any material regulated under Chapter 6.67, Section 25270.5(c), of the California Health and Safety Code.
- f. Any material which a handler or the city has a reasonable basis for believing would be injurious to the health, safety and welfare of persons or property or harmful to the environment if released into the workplace or the environment. (Ord. No. 19.83, 9/27/83; Ord. No. 7.90, 3/13/90; Ord. No. 21.95, 11/28/95; Ord. No. 13.97, 11/12/97.)"

Section 3. Section 24.2.1 of Article I of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.2.1. Exclusions.

This chapter excludes the following materials from hazardous materials permit fees. These materials may be required to be reported or included in a hazardous materials management plan (HMMP) when the fire chief or his designee so determines and where such action would be appropriate and consistent with achieving the general obligation of this chapter for protecting public health, safety and welfare. In addition,

the following materials shall comply with all applicable requirements in Division III (Storage, Handling and Dispensing Standards) of this chapter.

a. **Retail products.** Hazardous materials meeting all of the following requirements: (1) contained solely in consumer products with a container capacity not exceeding five (5) gallons or fifty (50) pounds; (2) packaged for distribution to, and use by, the general public; (3) whose contents are not dispensed from their original containers at the storage facility; and (4) located in an area defined as a "retail sales occupancy" per Article I, Division I of this chapter.

b. **Medicinal products.** Oxygen and nitrous oxide, ordinarily maintained by a physician, dentist, podiatrist, veterinarian or pharmacist at his or her office or place of business, stored at each office or place of business in quantities of not more than one thousand (1,000) cubic feet of each material at any one time.

c. **Food and beverage products.** Materials used in the direct dispensing of food or beverages at restaurants, delicatessens, pubs or other public eating or drinking establishments.

d. **Minimum quantities*.** Hazardous materials whose aggregate quantity in a hazard class does not exceed the limits specified below:

Maximum Quantity	Hazard Class
10 gallons	Miscellaneous hazardous material liquid
10 gallons	Combustible liquid
10 gallons	Corrosive liquid
10 gallons	Flammable liquid
10 gallons	Oxidizer liquid
50 pounds	Miscellaneous hazardous material solid
50 pounds	Corrosive solid
50 pounds	Flammable solid
50 pounds	Oxidizer solid
350 cubic feet (one cylinder)	Nonflammable gas
180 cubic feet (one cylinder)	Flammable gas

* Minimum quantity exclusions do not apply to hazardous substances stored in underground storage tanks.

e. **Exemption.** The city shall exempt any material from the requirements of this chapter where it has been demonstrated to the satisfaction of city that the material in the quantity and/or solution stored does not present a significant actual or potential hazard to the public health, safety or welfare. (Ord. No. 19.83, 9/27/83; Ord. No. 7.90, 3/13/90; Ord. No. 21.95, 11/28/95.)"

Section 4. Section 24.3.0 of Article I of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.3.0. Storage, handling and dispensing of hazardous or other regulated materials.

Storage, handling and dispensing of hazardous or other regulated materials shall be in conformance with this division. In the absence of direct regulation by this division, other appropriate regulations, standards, laws, ordinances or other nationally recognized and accepted methods of good practice may be required when storage, handling or dispensing practices do not meet the purpose and general obligation of this chapter to protect the public health, safety and welfare and the environment. In the event of conflicting authorities or conflicts with other codes, the most restrictive shall apply.

a. **Compressed gas cylinder storage.** All compressed gas cylinders in storage shall be adequately secured by approved noncombustible straps, chain, wire, etc., to prevent falling or being knocked over. All compressed gas cylinders in storage shall have their valve assemblies protected by a D.O.T.-approved bonnet.

Compressed gas containers, cylinders and tanks shall not be placed near elevators, unprotected platform ledges or other areas where falling would result in compressed gas containers, cylinders or tanks being allowed to drop distances exceeding one-half the height of the container, cylinder or tank.

b. **Compressed gas cylinder use.** All compressed gas cylinders in service shall be adequately secured to prevent falling or being knocked over except for cylinders in the process of examination, servicing or filling. Securement may include chaining cylinders to stationary bracing, chaining cylinders onto secured transport carts or other means acceptable to the city.

c. **Container compatibility.** Containers, piping and equipment used for storing or handling hazardous or other regulated materials shall be compatible with the hazardous or other regulated materials they store or handle. In general, flammable and combustible materials are compatible with metal whereas corrosive materials are compatible with plastic (polyethylene or polypropylene).

d. **Design, construction and installation of hazardous materials storage facilities.**

1. All storage facility installation, construction, repair or modification, closure and removal shall be completed under permit to the satisfaction of city. City shall have the discretion to exempt an applicant from any specific requirement other than those for underground storage tanks or to impose reasonable additional or

different requirements based on other appropriate regulations, standards, laws ordinances or other nationally recognized and accepted methods of good practice in order to better secure the purpose and general obligation of this chapter for protection of public and environmental health, safety and welfare.

2. Containers, cylinders and tanks shall be designed and constructed in accordance with nationally recognized standards or comply with the standard of duty as defined in Chapter 45 of the 2007 California Fire Code, as amended.

3. Equipment, machinery and processes utilized for storage, use or dispensing of hazardous or other regulated materials shall be approved, listed or designed and constructed in accordance with approved standards for the intended use or comply with the standard of duty as defined in Chapter 45 of the 2007 California Fire Code, as amended. Such equipment, machinery and processes shall be maintained in an operable condition.

4. Piping, tubing, valves and fittings conveying hazardous or other regulated materials shall be installed in accordance with approved standards and meet the following requirements:

(a) They shall be designed and fabricated from materials of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.

(b) Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous or other regulated materials.

(c) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 shall have welded or brazed connections throughout unless the piping or tubing is provided with a receptor for containment if the material is a liquid.

(d) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 in pressurized piping above 15 psig shall be provided with excess flow control. When the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping or tubing originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

(e) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 shall be provided with

readily accessible manual or automatic remotely activated fail-safe emergency shutoff valves at the following locations:

- i. The point of use.
- ii. The tank, cylinder or bulk source.

e. **Dispensing and mixing.** Dispensing and mixing of hazardous or other regulated materials must not be done in such a manner as to substantially increase the risk of fire or unauthorized discharge.

Dispensing and mixing of flammable or combustible liquids shall meet the following conditions:

1. Positive displacement pumps shall be provided with pressure relief discharging back to the tank, pump suction or other suitable location or shall be provided with interlocks to prevent overpressure.

2. When gases are introduced to provide for liquid transfer by pressure, only inert gases shall be used and controls, including pressure-relief devices, shall be provided to limit the pressure so that it cannot exceed the maximum working pressure of tanks, containers and piping systems. When devices operating through pressure with a tank or container are used, the tank or container shall be a pressure vessel approved for the intended use. Air or oxygen shall not be used for pressurization.

3. Liquids with closed-cup flash points below one hundred forty (140) degrees Fahrenheit in containers greater than five (5) gallon capacity shall be transferred by one (1) of the following methods:

(a) From safety cans.

(b) Through an approved closed piping system.

(c) From containers or tanks by an approved pump taking suction through an opening in the top of the container or tank.

(d) From containers or tanks by gravity through an approved self- or automatic-closing valve when the container or tank and dispensing operations are provided with spill control and secondary containment. Liquids with a flash point below seventy-three (73) degrees Fahrenheit and boiling point below one hundred (100) degrees Fahrenheit shall not be dispensed by gravity.

4. Liquids with a closed-cup flash point below seventy-three (73) degrees Fahrenheit and boiling point below one hundred (100) degrees Fahrenheit in containers

greater than five (5) gallon capacity shall not be dispensed into containers unless the nozzle and containers are electrically interconnected. Acceptable methods of electrical interconnection include:

(a) Metallic floor plates on which containers stand while filling when such floor plates are electrically interconnected to the fill stem.

(b) Where the fill stem is bonded to the container during filling by means of a bond wire.

f. **Drainage system.** Drainage required to prevent accumulation of liquid within secondary containment shall be controlled by a drainage system approved by the city. The drainage system shall control the discharge flow in a manner that prevents hazardous or other regulated materials from being discharged to the environment, sanitary sewer or storm drain system in violation of local, state or federal discharge requirements.

g. **Empty containers.** Empty containers and tanks previously used for the storage of hazardous or other regulated materials shall be free from residual material and vapor as defined by D.O.T., R.C.R.A. or other regulating authority or maintained as specified for the storage of hazardous material. Tanks and containers, when empty, shall have the covers or plugs immediately replaced in openings.

h. **Flammable, oxidizing and pyrophoric gases.**

1. Low-melting-point materials, such as aluminum, copper and some brass alloys, or materials which soften on fire exposure, such as nonmetallic materials, or nonductile materials, such as cast iron, shall not be used for piping, valves or fittings conveying flammable, pyrophoric or oxidizing gases unless they are in accordance with one (1) of the following:

(a) Suitably protected against fire exposure by fire-resistive construction, gas cabinets, automatic fire sprinklers or other approved methods.

(b) Located so that any release resulting from failure will not unduly expose persons, buildings or structures.

(c) Located where leakage can readily be controlled by operation of an accessible, remotely located valve or valves.

2. Compressed gas systems conveying flammable, oxidizing or pyrophoric gases shall be provided with emergency shutoff systems that can be activated from each point of use and at each source. A readily accessible shutoff valve is acceptable for shutoff at the source.

3. Containers of liquefied flammable gases and flammable gases in solution shall be in the upright position or positioned such that the pressure-relief valve is in direct contact with the vapor phase of the container.

i. **General housekeeping.** Areas where hazardous or other regulated materials are stored (including empty containers previously storing hazardous materials) shall be neat and orderly and not obstruct exits or travel pathways.

j. **Grounding and bonding.** When liquids with a closed-cup flash point less than 140 degrees Fahrenheit are dispensed and where accumulation of static electricity or flammable vapors could occur, adequate grounding and bonding shall be provided. Grounding rods shall: (1) be composed of 1/2" thick copper; (2) extend at least eight feet (8') into the ground; and (3) terminate in the ground. The container being dispensed from shall be bonded to the grounding rod or other grounded container via 4 WG wires.

k. **High-temperature and low liquid-level control.** Process tanks and equipment which involve temperature control of the hazardous or other regulated material shall be provided with a high-temperature and low liquid-level shutoff or other acceptable limit controls for maintaining the temperature and product level within a safe range. These controls shall be maintained according to manufacturer's specifications and shall be inspected by the owner/operator at least monthly as approved by the fire chief or his designee.

l. **Maintenance.** Defective containers, cylinders and tanks shall be removed from service, repaired or disposed of in an approved manner. Equipment, machinery and processes found to be defective shall be replaced, repaired or removed from service.

Aboveground stationary tanks not used for a period of ninety (90) days shall be properly safeguarded or removed in a manner approved by the chief or his designee. Such tanks shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained. Tanks which are to be placed back into service shall be tested in a manner approved by the chief or his designee.

m. **Monitoring (leak detection).**

1. All storage facilities containing hazardous or other regulated materials which are liquids or solids at normal temperature and pressure shall be designed and constructed with leak detection systems capable of detecting escape of the hazardous or other regulated materials from the primary containment. No facility shall be placed into operation without an approved leak detection system.

2. Monitoring shall include visual inspection of the primary containment wherever practical; however, if the visual inspection is not practical, an alternative method of monitoring each storage facility on a monthly or more frequent basis may be approved by city. The city will consider: (a) the magnitude and severity of the potential effects of discharges; (b) the reliability of the monitoring method or device based on past use history; (c) the quality of the installation of the monitoring device and associated hardware and software; (d) the ability of the permittee to properly perform or use the monitoring method or device; (e) the ability of the permittee to maintain the monitoring device in proper working order; (f) the quantity and quality of the manufacturer's testing and performance specifications; and (g) the quality and quantity of third-party testing of the monitoring method or device when determining the required monitoring method or device and monitoring frequency for a storage facility. Proposed monitoring methods and devices shall be approved by city prior to installation and use by the permittee or applicant.

3. Method(s) of monitoring may include, but are not limited to, pressure testing, vacuum testing, hydrostatic testing, liquid sensors, pressure sensors, flow sensors and vapor analysis within well(s). Well installation shall be approved by the city and the Santa Clara Valley Water District.

4. Whenever monitoring devices are provided, they shall be connected to attention-getting visual and audible alarms. The alarms shall be located in areas normally staffed with personnel trained in emergency response procedures. Whenever monitoring devices or methods are provided, they shall be fully functional at all times. Facility owners/operators shall be able to provide back-up monitoring devices or methods approved by the city to be used in the event of failure of the primary monitoring system.

5. Monitoring devices that have not been installed in the city or do not have a proven use track record as determined by the fire chief or his designee may be approved by the city for up to six (6) months on a trial basis. Should the monitoring device not meet the owner/operator's minimum monitoring requirements, either due to faulty equipment, faulty installation, the inability of the device to meet the manufacturer's claims or specifications or other administrative or engineering problems, the owner/operator shall be required to remove the temporary monitoring device from service and install an approved monitoring device or method within fifteen (15) working days.

n. **Overfill protection (limit-level control) and overspill protection.** Containers used for the accumulation of hazardous or other regulated material liquids shall be equipped with a limit-level (overfill) control which will prevent overfilling of the containers, except for containers monitored by a system which will limit net contents by weight. A limit-level control may include visual observation when the level of liquid in the container being filled is within sight of the operator and the filling

device is within his immediate control. These controls shall be maintained according to manufacturer's specifications and shall be inspected by the owner/operator at least monthly as approved by the fire chief or his designee.

o. **Protection from vehicles.** Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are required, the posts shall meet the following criteria:

1. Constructed of steel not less than four inches (4") in diameter and concrete-filled.
2. Spaced not more than four feet (4') apart on center.
3. Set not less than three feet (3') deep in a concrete footing of not less than fifteen inch (15") diameter.
4. Set with the top of the post not less than three feet (3') aboveground.
5. Located not less than five feet (5') from the tank.

The area surrounding an exterior storage area or aboveground tank shall be kept clear of combustible materials for a minimum distance of thirty feet (30').

p. **Safety storage cabinets.** When safety storage cabinets are used to store hazardous or other regulated materials, they shall comply with the following:

1. Constructed of metal.
2. Interior surfaces shall be lined, coated or constructed of material that is nonreactive and compatible with the hazardous or other regulated materials stored.
3. Steel thickness of not less than 0.044" (18 gauge).
4. Cabinet and doors shall be double-walled with one and one-half inches (1.5") air space between the walls.
5. Joints shall be riveted or welded and shall be tight-fitting.
6. Doors shall be well-fitted and self-closing. Safety storage cabinets for toxics and highly toxics shall also be equipped with a self-latching device.
7. Cabinet bottom shall be liquid-tight to a minimum of two inches (2").

8. Shall be labeled as per the requirements of Section 24.3.9.

q. **Secondary containment.** Secondary levels of containment shall be required for all new storage facilities (constructed or installed after January 1, 1984) intended for the storage of hazardous materials which are liquids or solids at normal temperature and pressure unless exempted by city. Secondary levels of containment may be required for existing storage facilities (those in business prior to January 1, 1984) if it is determined by the fire chief or his designee that the primary containment is not providing suitable storage. "Suitable storage" shall be determined by and based on a number of factors, including the age of the containment, condition and integrity of the containment, amount of spillage on or around the containment, proximity of the containment to storm drains, sewers or other environmentally sensitive receptors, general housekeeping practices in maintaining the containment, etc.

1. All primary containment shall be product-tight.

2. Secondary containment:

(a) All secondary containment shall be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the discharged hazardous materials and so as to be capable of containing hazardous materials discharged from a primary container for a period of time equal to or longer than the maximum anticipated time sufficient to allow detection and recovery of the discharged hazardous or other regulated material.

(b) In the case of an installation with one (1) primary container, the secondary containment shall be large enough to contain at least one hundred ten (110) percent of the volume of the primary container.

(c) In the case of a storage facility with multiple primary containers, the secondary container shall be large enough to contain one hundred fifty (150) percent of the volume of the largest primary container placed in it or ten (10) percent of the aggregate internal volume of all primary containers in the storage facility, whichever is greater.

(d) Secondary containment shall not provide for the accumulation or storage of liquids (hazardous material liquids, precipitation, condensate, etc.).

(e) If the storage facility is equipped with an automatic fire extinguishing system, then the secondary containment shall be able to additionally accommodate the fire extinguishing system flow for a period of twenty (20) minutes.

3. Laminated, coated or clad materials shall be considered single-walled and shall not be construed to fulfill the requirements of both primary and secondary containment.

r. **Separation of materials.** Materials that in combination may cause a fire or explosion or the production of a flammable, toxic or poisonous gas or the deterioration of a primary or secondary container shall be separated in both the primary and secondary containment so as to avoid potential intermixing. Separation shall be accomplished by:

1. Segregating incompatible materials storage by a distance of not less than twenty feet (20') and an independent secondary containment system. This twenty foot (20') distance is not required if the secondary containment systems for the incompatible materials can be shown to completely isolate all possible spillage (including container falling if containers are stacked on top of one another) so that intermixing cannot occur.

2. Isolating incompatible materials storage by a noncombustible partition extending not less than eighteen inches (18") above and to the sides of the stored material.

3. Storing liquids and solid materials in hazardous materials storage cabinets.

4. Storing compressed gases in gas cabinets or exhausted enclosures.

Materials which are incompatible shall not be stored within the same cabinet or exhausted enclosure.

s. **Shelf storage.** Shelves used for storing hazardous or other regulated material shall be of substantial construction and adequately braced and anchored to an immovable object. The face of each shelf shall be provided with a nonflexible lip or guard to prevent individual containers from falling off except when contained inside an approved hazardous materials safety storage cabinet.

t. **Shock-sensitive materials.** Materials which are shock-sensitive shall be padded, suspended or otherwise protected against accidental dislodgement and dislodgement during seismic activity. For seismic requirements, see the Building Code.

u. **Spill Control for Hazardous Material Liquids.** Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

v. **Temperature control.** Hazardous or other regulated materials which must be stored at temperatures other than ambient temperature to prevent a hazardous reaction shall be stored in approved areas or containers which provide a means to maintain the temperature within a safe range. Redundant temperature control which will operate upon failure of the primary temperature control system shall be provided. Alternate means to prevent a hazardous materials reaction may be provided. These controls shall be maintained according to manufacturer's specifications and shall be inspected by the owner/operator at least monthly as approved by the fire chief or his designee.

w. **Transportation of hazardous or other regulated materials inside facilities.**

1. Hazardous or other regulated material liquids in containers exceeding five (5) gallon capacity in an exit corridor or exit enclosure shall be transported on a cart or truck. Containers of hazardous or other regulated materials having a hazard ranking of 3 or 4 in accordance with NFPA 704 transported within exit corridors or exit enclosures shall be on a cart or truck. The following exceptions apply:

(a) Two hazardous materials liquid containers which are hand carried in acceptable safety carriers.

(b) Single drums not exceeding fifty-five (55) gallons which are transported by suitable drum trucks.

(c) Containers and cylinders of compressed gases which are transported by approved hand trucks and containers and cylinders not exceeding twenty-five (25) pounds which are hand carried.

(d) Solid hazardous or other regulated materials not exceeding one hundred (100) pounds which are transported by approved hand trucks and a single container not exceeding fifty (50) pounds which is hand carried.

2. When carts or trucks are required, they shall meet the following requirements:

(a) They shall be designed to provide a stable base for the commodities to be transported and shall have a means of restraining containers to prevent accidental dislodgement.

(b) They shall be provided with a device which will enable the operator to safely control movement by providing stops or speed-reduction devices.

(c) They shall be constructed of material compatible with the material transported and be of substantial construction.

(d) They shall be capable of containing the largest single container transported.

(e) They shall not obstruct or be left unattended within a part of an exit.

(f) They shall not be used to transport incompatible materials together.

x. **Travel path clearance.** When hazardous or other regulated materials are moved into or out of a storage facility, they shall remain in the travel path only for the time reasonably necessary to transport the material and such movement shall be in a manner which will not result in an unauthorized discharge.

y. **Ventilation.** Indoor storage areas and storage buildings shall be provided with mechanical exhaust ventilation or natural ventilation where natural ventilation can be shown to be acceptable for the materials as stored. Signs indicating that the ventilation provided is not acceptable include corrosion of fixtures, high vapor levels, etc. If the ventilation is not acceptable, the fire chief or his designee may request professional assistance as described in Section 24.1.4 to help in determining the size, amount and location of additional ventilation required.

1. Exhaust ventilation shall be arranged to consider the density of the potential fumes or vapors released. For fumes or vapors that are heavier than air, exhaust shall be taken from a point within twelve inches (12") of the floor.

2. The location of both the exhaust and inlet air openings shall be arranged to provide air movement across all portions of the floor or room to prevent the accumulation of vapors.

3. Exhaust ventilation shall not be recirculated within the room or building if the materials stored are capable of emitting hazardous vapors.

z. **Alternative means and methods.** The fire chief or his designee is authorized to approve alternate materials, methods or engineering controls provided that the fire chief or his designee finds that the proposed materials, methods or engineering control satisfactorily complies with the intent of this section and the materials, methods or engineering control is at least equivalent to that prescribed in this section in quality, strength, effectiveness, resistance, durability and safety.

Requests for approval to use an alternate materials, methods or engineering control shall be made in writing to the fire chief or his designee and shall be accompanied by a full statement of the conditions. Sufficient evidence or proof shall be submitted to substantiate any claim that may be made regarding its performance. The fire chief or his designee may require tests and the submission of a test report from an approved testing organization to substantiate the equivalency of the proposed alternate facility or engineering control.

Approval of a request for use of an alternate facility or engineering control shall be limited to the particular case covered by request and shall not be construed as establishing any precedent for any future request. (Ord. No. 19.83, 9/27/83; Ord. No. 25.83, 12/20/83; Ord. No. 26.84, 12/18/84; Ord. No. 7.90, 3/13/90; Ord. No. 21.95, 11/28/95.)"

Section 5. Section 24.3.9 of Article I of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.3.9. Labeling.

a. **General.** Markings described below shall meet the following general requirements:

1. Markings shall be made of durable materials and shall be replaced as needed due to normal aging and fading.

2. Markings shall be in English. Markings in other languages shall be provided where appropriate.

3. Unless otherwise specified, lettering shall be large enough to be read from a distance of twenty feet (20').

4. Lettering shall contrast highly with the background.

5. Markings shall not be located where they might be obstructed (e.g., by open doors, equipment, etc.). Drums with side markings or labels shall be positioned with the markings/labels facing outward.

b. Chemical storage areas, drum and container storage areas, rooms, sheds and cylinder rack storage areas shall be marked as described below:

1. These areas shall be marked with signs showing the hazard class(es) of the chemical(s) stored.

2. Empty container storage areas shall be clearly identified as such.

c. Compressed gases and liquefied gases shall be marked as described below:

1. Gas cylinders shall have marked on the cylinder body or on an attached label the chemical name and hazard class of each gas contained within and, in the case of mixtures, the percentage or parts per million concentration of the hazardous constituents. This information shall be visible from the front side of the cylinder. If the D.O.T. label is not readily visible, a label indicating the D.O.T. hazard class of the gas shall be placed above the cylinder.

2. Gas cabinets shall be marked with the same information required on cylinders.

3. Excess flow control valves shall be marked to indicate the maximum design flow rate based on air under standard conditions.

d. Piping and tubing containing hazardous material liquids and gases shall be marked as described below:

1. All piping and tubing shall be marked at intervals no greater than twenty feet (20') with the name of the material contained and the direction of flow. Piping and tubing shall be marked at each point where changes in direction occur and where wall, ceiling or floor penetrations occur. Where piping and tubing is shorter than twenty feet (20') in length, such markings shall appear at least once along the piping and tubing run. Where supplementary color identification of piping is used, it shall be in accordance with the hazardous materials and colors indicated in nationally recognized standards as referenced in the California Fire Code;

2. Piping and tubing containing water, compressed air, gas exhaust or other nonhazardous materials may be required to be marked as described in Section 24.3.9.d.1 above if this tubing or piping is contained in the same location or room as tubing or piping containing hazardous or other regulated materials or if so directed by the fire chief or his designee.

3. Emergency control valves and shutoff valves shall be marked to indicate their function.

e. Safety cans shall be marked with the chemical name and hazard class of the liquid contained within.

f. Open tanks, vats and baths shall be marked as described below:

1. Open tanks, vats and baths shall be identified with a marking on the tank or on a wall directly behind the vessel. The marking shall show the chemical name, hazard class and percentage concentration of the single highest hazard material, including constituents of mixtures or solutions contained within the vessel.

2. Rinse-dragout tanks shall be marked "Rinse Water" or equivalent.

g. Aboveground storage tanks shall be marked as described below:

1. Aboveground storage tanks shall be identified with a marking on the tank which shows the chemical name.

2. Aboveground storage tanks containing liquid cryogenics shall be marked as per the following examples:

	If liquid oxygen is stored	If liquid hydrogen is stored
Tank marking:	LIQUIFIED OXYGEN	LIQUIFIED HYDROGEN FLAMMABLE GAS
Storage site marking:	OXYGEN NO SMOKING NO OPEN FLAMES WITHIN 10 FEET (10')	LIQUIFIED HYDROGEN FLAMMABLE GAS NO SMOKING NO OPEN FLAMES WITHIN 50 FEET (50')

3. Aboveground storage tanks containing water, process cooling water, rinse water, deionized water, etc., shall be marked with the name of the material contained.

h. Safety storage cabinets shall be marked as described below:

1. Safety storage cabinets shall be marked with the hazard class(es) of the materials contained.

2. Safety storage cabinets used for the storage of flammable liquid shall be provided with a conspicuous label in red letters on a contrasting background which reads "FLAMMABLE—KEEP FIRE AWAY."

3. Cabinets used for hazardous materials other than flammable liquids shall be provided with a conspicuous label in red letters on a contrasting background which reads "HAZARDOUS—KEEP FIRE AWAY." (Ord. No. 21.95, 11/28/95.)"

Section 6. Section 24.10.1 of Article I of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.10.1. Authorization for fire marshal, hazardous materials specialists and certain other designated employees to arrest violators.

Those employees of the city, including, but not limited to, the fire marshal, hazardous materials specialists and certain other employees designated by the city manager or the fire chief, who have the duty of enforcing the Mountain View City Code and state laws pertaining to hazardous and toxic materials, are hereby authorized, in accordance with and pursuant to California Penal Code Section 836.5 and 853.6, to arrest persons for violations of such ordinances or statutes and issue notice to appear citations as provided by law. (Ord. No. 3.88, 1/26/88; Ord. No. 7.90, 3/13/90; Ord. No. 21.95, 11/28/95.)"

Section 7. Section 24.101 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.101.1. Highly toxic materials.

A material that has a median lethal concentration (LC_{50}) in air of two hundred (200) parts per million or less by volume of gas or vapor, or two (2) milligrams per liter or less of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

"SEC. 24.101.2. Toxic materials.

A material that has a median lethal concentration (LC_{50}) in air more than two hundred (200) parts per million but not more than three thousand (3,000) parts per million by volume of gas or vapor, or more than two (2) milligrams per liter but not more than thirty (30) milligrams per liter of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

"SEC. 24.101.3. Moderately toxic materials.

A material that has a median lethal concentration (LC_{50}) in air more than three thousand (3,000) parts per million but not more than five thousand (5,000) parts per million by volume of gas or vapor, or more than thirty (30) milligrams per liter but not more than fifty (50) milligrams per liter of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 8. Section 24.103 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.103. Control area.

Spaces within a building where quantities of hazardous materials not exceeding the maximum allowable quantities per control area are stored, dispensed, used or handled. Control areas shall comply with the California Fire Code. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 9. Section 24.117 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.117. Maximum threshold quantity (Max. T.Q.).

"Maximum threshold quantity" (Max. T.Q.) means the maximum quantity of a toxic or moderately toxic regulated material which may be stored in a single vessel before a stricter category of regulation is required by this article. Max. T.Q. is determined by the following equation:

$$\text{Max. T.Q. (pounds)} = \text{LC}_{50} \text{ (ppm)} \times 2$$

For the purpose of calculating the Max. T.Q., storage tank, cylinder and piping systems which can be isolated in a manner approved by the fire chief or his designee may be designated as a separate storage vessel. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 10. Section 24.118 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.118. Minimum threshold quantity (Min. T.Q.).

"Minimum threshold quantity" (Min. T.Q.) means the aggregate quantity of a single regulated material in a control area which, due to the minimal aggregate quantities present, need only comply with specific control requirements established in Division VIII and Division II of this article and not with the specific requirements for highly toxic, toxic or moderately toxic regulated materials. Min. T.Q. for mixtures shall be based on the aggregate weight of the regulated components.

For all regulated materials: Min. T.Q. = 2 pounds or less.

Minimum threshold quantity controls are set forth in Division VIII of this article. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 11. Section 24.200 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.200. General provisions.

This article governs the storage, dispensing, use and handling of regulated materials. To the extent that the application of this article to the registration and use of pesticides is preempted by an express provision of an act of Congress or a statute adopted by the State Legislature, this article does not apply.

The provisions of Division II apply to all regulated materials, including highly toxic, toxic, moderately toxic and minimum threshold quantities of regulated materials. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

"SEC. 24.205. Regulated materials.

a. "Regulated materials," including, but not limited to, gases, are those materials which meet the following criteria:

1. The materials fall under the definition of highly toxic, toxic or moderately toxic materials.

2. The materials meet either of the following criteria:

(a) They are shipped in compressed gas cylinders and the material is or becomes or acts as a gas upon release at normal temperature and pressure (68 degrees Fahrenheit and 760 mmHg).

(b) The material is used or handled as a gas whether or not the material meets the definition of a compressed gas in Chapter 14, "Fire Prevention," of the Mountain View City Code or 49 CFR Section 173.300(a).

b. Materials which meet the foregoing criteria are subject to the provisions of this article unless exempted by the fire chief or his designee based upon scientific evidence provided by a toxicologist or other professional acceptable to the city. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 12. Section 24.235 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.235. Breathing apparatus.

a. In order to provide for immediate initial on-scene response in the event of an unauthorized discharge and to provide on-scene assistance to firefighters and other emergency response personnel, persons responsible for any facility where highly toxic or corrosive regulated materials are present shall provide a minimum of two (2) self-contained breathing apparatus. When self-contained breathing apparatus would be inadequate protection due to the nature of the gases present, other appropriate protective equipment shall be provided for on-site emergency response personnel.

b. The self-contained breathing apparatus or other protective equipment shall be suitable for use with the material present and shall be readily available to on-site emergency response personnel in a location that provides safety for those expected to don the apparatus.

c. A "location that provides safety" is one which is not likely to be immediately affected by the release of a regulated material. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 13. Section 24.240 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.240. Incompatible materials.

Responsible persons shall cause regulated materials to be separated from other incompatible hazardous materials in accordance with Article I, Division III of this chapter.

Construction materials shall be compatible with the toxic gases they serve. Compatibility of construction materials shall be based on nationally recognized standards such as the National Association of Corrosion Engineers (NACE). (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 14. Section 24.270 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.270. Flow-limiting orifices and devices—Highly toxic materials.

All containers of materials other than lecture bottles classified as highly toxic regulated materials and having a vapor pressure exceeding twenty-nine (29) psia shall be equipped with a flow-restricting orifice when commercially available. If a flow-restricting orifice is not available, the container shall be used with a flow-limiting device. All flow-limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 15. Section 24.300 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.300. General.

Regulated materials shall be classified as highly toxic, toxic, moderately toxic or Min. T.Q. materials as defined in Division I. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 16. Section 24.305 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.305. Exempt amounts.

a. Except as provided in subsection b of this section, any single regulated material which would otherwise be regulated is exempt from regulation under this article if:

1. The aggregate quantity of any single regulated material in a control area or exterior storage does not exceed the Min. T.Q.

2. The quantity of the material in a single vessel does not exceed the amounts specified as follows:

i. One (1) pound.

ii. A concentration below the permissible exposure limit (PEL).

3. The aggregate quantity of all regulated materials in a control area or exterior storage does not exceed the exempt amounts specified in Chapter 27 of the currently adopted edition of the California Fire Code.

b. Notwithstanding the exemption in Subsection a of this section, no amount of highly toxic regulated materials is exempt from the provisions for flow-limiting devices and fire extinguishing systems found in Division II of this article. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 17. Section 24.400 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.400. General.

a. The requirements for controls for the use or indoor storage of regulated materials shall be cumulative as the hazard class of regulated material increases in accordance with the following table:

**HAZARD CLASSIFICATIONS
AND CONTROLS**

Hazard Classification	Hazard Controls
Highly Toxic	Includes Division II, highly toxic, toxic, moderately toxic minimum threshold quantity and exempt amount controls
Toxic	Includes Division II, toxic, moderately toxic minimum threshold quantity and exempt amount controls
Moderately Toxic	Includes Division II, moderately toxic minimum threshold quantity and exempt amount controls
Minimum Threshold Quantity	Includes Division II minimum threshold quantity and exempt amount controls
Exempt Amounts	Other applicable statutes, codes and ordinances

b. All control equipment for materials regulated by this article shall meet appropriate nationally recognized standards, if any, approved by the fire chief or his designee.

c. Halogenated, noncarbon-based gases may hydrolyze to their base mineral acid upon contact with moisture. Therefore, the monitoring and compatibility requirements of this article shall apply to their decomposition products. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 18. Section 24.500 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

**DIVISION V
HIGHLY TOXIC CONTROLS**

"SEC. 24.500. Highly toxic controls.

Persons responsible for any facility where highly toxic materials are present shall comply with all of the requirements of Division II and Divisions V, VI, VII and VIII of this article. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 19. Section 24.505 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.505. Piping.

a. Piping for highly toxic materials shall be designed and fabricated from materials compatible with the material to be contained. Piping shall be of strength and durability sufficient to withstand the pressure, structural and seismic stress and exposure to which it may be subjected, as required by the California Building Code, adopted in Chapter 8 of the Mountain View City Code.

b. Secondary containment shall be provided for piping for highly toxic materials. The secondary containment shall be capable of directing a sudden release into an approved discharge treatment system and shall be monitored continually with a continuous gas monitoring system approved by the fire chief or his designee. Secondary containment includes, but is not limited to, double-walled piping. Secondary containment for piping under subatmospheric conditions may not be required if the piping is equipped with an alarm and cylinder fail-safe to close valve activated by a loss of vacuum. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 20. Section 24.600 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

**DIVISION VI
TOXIC CONTROLS**

"SEC. 24.600. Toxic controls.

Responsible persons shall cause materials which are classified as toxic materials to be provided with the controls specified in Division II and Divisions VI, VII and VIII of this article. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 21. Section 24.605 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.605. Connections.

a. Piping and tubing for toxic materials shall be installed in accordance with appropriate nationally recognized standards, if any, approved by the fire chief or his designee and shall have welded connections compatible with the regulated material throughout unless an exhausted enclosure is provided.

b. Material which is not compatible with ferrous piping may be installed in nonferrous piping approved by the fire chief or his designee.

c. Where connections other than welding connections meet appropriate nationally recognized industry standards, if any, a person responsible for a facility may seek an exception from the fire chief or his designee. A request for exception and a fee as set by the schedule of fees as adopted by the council shall be filed with the fire chief or his designee for approval. The request shall document the standards and reason for the exception. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 22. Section 24.620 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.620. Excess flow control.

a. Portable tanks and cylinders containing toxic material shall be provided with excess flow control.

b. Excess flow control shall be permanently marked to indicate the maximum design flow rate. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 23. Section 24.640 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.640. Toxic corrosives.

Inert construction materials shall be used for the primary containment of toxic regulated materials which are corrosive. Alternatively, secondary containment shall be provided for toxic materials which are corrosive. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 24. Section 24.700 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

DIVISION VII MODERATELY TOXIC CONTROLS

"SEC 24.700. Moderately toxic controls.

Persons responsible for a facility shall cause materials which are classified as moderately toxic materials to be provided with the controls specified in Division II and Divisions VII and VIII of this article. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 25. Section 24.710 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.710. Signage.

- a. Stationary aboveground tanks shall be placarded with hazard identification signs as specified in NFPA 704 for the specific material contained.
- b. Signs prohibiting smoking shall be posted in indoor storage, use and handling areas and within twenty-five (25) feet of outdoor storage, use and handling areas, except within buildings designated as "No Smoking" buildings.
- c. Signs shall not be obscured or removed.
- d. Signs shall be in English and other languages as may be appropriate, as determined by the fire chief or his designee.
- e. Signs shall be durable.
- f. The size, color and lettering shall be in conformance with nationally recognized standards determined by the fire chief or his designee to be applicable to the regulated material. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 26. Section 24.805 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.805. Exhaust ventilation.

- a. Storage of cylinders shall be within ventilated gas cabinets, exhausted enclosures or within a ventilated separate gas storage room as defined in the California Fire Code.
- b. Storage of portable and stationary tanks shall be within a separate ventilated room without other occupancy or use.
- c. If gas cabinets are provided, the room or area in which they are located shall have independent exhaust ventilation when properly exhausted cabinets are not utilized.
- d. Exhaust systems for gas cabinets, exhausted enclosures and separate gas storage rooms shall be designed to handle the accidental release of gas. Such exhaust systems shall be capable of diluting, adsorbing, neutralizing, burning or otherwise processing the entire contents of the single tank or cylinder of gas which presents the highest potential hazard.

e. Systems utilized for such processing shall be designed as a treatment system, as described in Section 24.815, below. If a total containment system is utilized, the system shall be designed to handle the maximum anticipated pressure of release to the system when the system reaches equilibrium. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 27. Section 24.900 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.900. General.

Persons responsible for a facility where there is exterior storage of any regulated material shall comply with the provisions of Division II, Division III and Division IX of this article and of the California Fire Code adopted in Chapter 14 of the Mountain View City Code. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 28. Section 24.920 of Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 24.920. Canopies.

Portable tanks and cylinders stored outside of buildings shall be stored under a canopy constructed of noncombustible materials. Such exterior storage shall not be considered indoor storage. An automatic fire sprinkler system in accordance with Article II, Division II of this Chapter, or alternative systems as determined by the fire chief or his designee for materials incompatible with water, shall be provided for canopies installed for the storage of regulated materials. (Ord. No. 8.90, 3/13/90; Ord. No. 6.99, 4/27/99.)"

Section 29. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 30. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 31. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the

title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 6th day of November, 2007, and will be given a second reading and presented for adoption at the Special Meeting of said City Council, to be held on the 27th day of November, 2007.

(SEAL)

PUBLISHED:_____

ANGELITA M. SALVADOR, CITY CLERK
CITY OF MOUNTAIN VIEW

JLQ/9/ORD
010-10-05-07o^



AGENDA: November 6, 2007

5.2

CATEGORY: Public Hearing

DEPT.: Fire

TITLE: Amend Chapters 14, 24, 25, 35 of City Code and Adopt 2007 California Fire Code, Incorporating by Reference 2006 International Fire Code (First Reading)

RECOMMENDATION

Introduce AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I AND II OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2007 CALIFORNIA FIRE CODE, INCORPORATING BY REFERENCE THE 2006 INTERNATIONAL FIRE CODE, to be read in title only, further reading waived, and set second reading for November 27, 2007.

Introduce AN ORDINANCE AMENDING CHAPTER 24, ARTICLES I, II AND III OF THE MOUNTAIN VIEW CITY CODE RELATING TO THE ADOPTION OF THE 2007 CALIFORNIA FIRE CODE, INCORPORATING BY REFERENCE THE 2006 INTERNATIONAL FIRE CODE, to be read in title only, further reading waived, and set second reading for November 27, 2007.

Introduce AN ORDINANCE AMENDING CHAPTER 25, ARTICLE III OF THE MOUNTAIN VIEW CITY CODE ENTITLED "HOTEL, MOTEL AND MULTIPLE-FAMILY HOUSING INSPECTION," to be read in title only, further reading waived, and set second reading for November 27, 2007.

Introduce AN ORDINANCE AMENDING CHAPTER 35, ARTICLE III OF THE MOUNTAIN VIEW CITY CODE, ENTITLED "PROVISIONS PERTAINING TO SEWER SERVICE AND SEWAGE DISPOSAL," to be read in title only, further reading waived, and set second reading for November 27, 2007.

FISCAL IMPACT

The degree of fiscal impact on the business community is expected to be minimal. Expenditures will include \$9,055 for the cost of new 2007 California Code books and associated training for staff. The money is provided for in the Fiscal Year 2007-08 Fire Department budget.

BACKGROUND AND ANALYSIS

On September 24, 2002, by Ordinance 15.02, the City Council adopted the 2000 Uniform Fire Code as published triennially by the International Conference of Building Officials and the International Fire Code Institute and adopted by the State through the California Building Standards Commission. The proposed ordinance adopting the 2007 California Fire Code/ 2006 International Fire Code, published by the International Code Council, will update

Chapter 14, Articles I and II of the City Code to reflect the 2006 triennial model code change cycle with minor modifications and amendments. The State requires all State agencies that currently develop administrative regulations and implement and/or enforce building standards to transfer those regulations to the California Building Standards Code, Title 24, Code of Regulations. Further, the building standards contained in the International Fire Code, as referenced in Part 9 of the California Building Standards Code, Title 24, apply to occupancies throughout the State and take effect 180 days after publication by the California Building Standards Commission. The Building Standards Commission established January 1, 2008 as the effective date for the enforcement of the 2007 California Fire Code/ 2006 International Fire Code.

Neither the State Buildings Standards Law, contained in the Health and Safety Code, Part 2.5, nor the application of building standards, contained in Section 18941.5, limits the authority of a city to establish more restrictive building standards reasonably necessary because of local conditions (climatic, geological or topographical). These local amendments and/or modifications shall become effective 180 days after the publication of the California Building Standards Code, Title 24, of which the International Fire Code is Part 9. The 2007 California Fire Code/2006 International Fire Code is amended, as set forth in the attached document, to reflect local conditions and support Mountain View's "Community Fire Protections Element," which sets forth the levels of fire protection the City provides to the community. The deadline for adoption of these local amendments in order to comply with State law is January 1, 2008.

In January 2007, a working group (Santa Clara County Fire Code Amendment Workgroup) was formed to provide a coordinated review of the new 2007 California Fire Code. The goals for this workgroup were the following: (1) improve the uniformity of amendments between jurisdictions; (2) reduce the number of local amendments to the Fire Code without compromising the fire and life safety within each jurisdiction; and (3) evaluate all current and proposed amendments based on relevant justification. A consensus document of Fire Code amendments was developed by the workgroup and submitted to the Santa Clara County Fire Chiefs Association for approval of content. The Santa Clara County Fire Chiefs Association approved the document, and a majority of the cities within Santa Clara County will be adopting a final version of these amendments.

The majority of changes to Articles I and II in Chapter 14 of the City Code required to support the adoption of the 2007 California Fire Code/2006 International Fire Code and current City Fire Department policies are mostly administrative in nature and primarily consist of renumbering the current amended Fire Code sections. Several new amendments to the Fire Code are proposed to maintain the current standard of fire and life safety within the community. The proposed new amendments to the Fire Code are briefly described in Attachment 1.

A staff review of Articles I and II in Chapter 24, "Hazardous Materials," was required for several reasons: (1) to update and amend pertinent sections, clean up language and remove

nonpertinent sections; (2) to provide coordination with the review of the 2007 California Fire Code to eliminate overlapping or contradictory requirements; and (3) to streamline requirements for the regulated community. The proposed amendments to Articles I and II, Chapter 24, are briefly described in Attachment 1.

Article III of Chapter 25, "Hotel, Motel and Multi-family Housing Inspection," of the Mountain View City Code is adopted and enforced to ensure proper maintenance of multi-family housing; to implement the housing goals of the City; to preserve and protect the City's existing stock of multi-family housing; to protect and promote the health, safety and welfare of the residents of multi-family housing; and to avoid conditions of deterioration and blight which could adversely affect economic conditions and the quality of life throughout the City. The proposed amendments to Article III of Chapter 25 maintain the City's proactive enforcement of this ordinance to correspond to the recently adopted State codes.

Article III, Chapter 35, of the Mountain View City Code is adopted and enforced to ensure compliance with two distinct National Pollutant Discharge Elimination System (NPDES) permits. One NPDES permit regulates discharge to the sanitary sewer; and the other NPDES permit regulates discharge into the storm drain system. Chapter 35 codifies prohibited discharges, reporting requirements, sanitary sewer discharge limits for a range of pollutants, pollution prevention Best Management Practices and enforcement procedures. The City of Palo Alto is in the process of amending their wastewater discharge ordinance in response to comments from a State audit, new Federal Industrial Pretreatment requirements, new California Plumbing Code requirements and to clarify existing ordinance language. The City of Mountain View is encouraged to adopt similar language to maintain consistency of requirements. The proposed amendments provide this consistency. The proposed revisions to Article III, Chapter 35, are briefly described in Attachment 1.

All changes have been reviewed for context and consistency by the City Attorney, Fire Chief, Fire Marshal, and Building and Fire staff.

CONCLUSION

The proposed amendments to the above referenced ordinances of the Mountain View City Code will assure that:

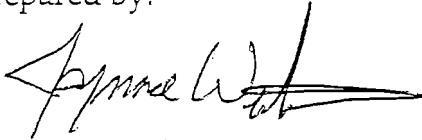
1. Consistency in enforcement of Fire Code and hazardous material requirements is maintained between cities within Santa Clara County.
2. Regulation and enforcement of toxic gas facilities is maintained at the current standard of care.
3. The City stock of multi-family housing is maintained according to the goals approved by City Council.
4. The City of Mountain View continues its proactive efforts to improve the water quality of its creeks as well as the San Francisco Bay.

AGENDA: November 6, 2007

PAGE: 4

PUBLIC NOTICING—Agenda posting and direct mail to selected developers, contractors and engineers.

Prepared by:

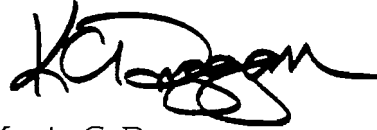


Jaymae Wentker
Fire Marshal

Approved by:



Michael S. Young
Fire Chief



Kevin C. Duggan
City Manager

JW/8/CAM
197-11-06-07M-E^

- Attachments:
1. Summary of Amendments
 2. Draft Chapter 14 Ordinance
 3. Draft Chapter 24 Ordinance
 4. Draft Chapter 25 Ordinance
 5. Draft Chapter 35 Ordinance

SUMMARY OF AMENDMENTS AND REVISIONS TO CHAPTERS 14, 24, 25 AND 35 OF THE MOUNTAIN VIEW CITY CODE

CHAPTER 14:

The proposed new amendments to the Fire Code include:

- Renumbering of all Fire Code sections to coordinate with new code sections.
- Amendment or deletion of several Chapter 4, Fire Safety and Evacuations Plans, requirements to maintain consistency with more restrictive requirements imposed by the State.
- Amendments to Chapter 5, Fire Apparatus Access Requirements, to maintain emergency vehicle access road heights, widths and turnaround requirements consistent with the City's "Fire Apparatus Vehicular Access Standards."
- Amending the Fire Code to include provisions requiring "approved" means for deactivation or unlocking by Fire Department personnel of access control devices installed on buildings.
- Amending the Fire Code to require "approved" over-temperature controls on immersion heaters.
- Reduction of the square footage threshold from 5,000 square feet to 3,600 square feet for requiring the installation of automatic fire sprinklers. (The City's current fire sprinkler ordinance requires the installation of fire sprinklers for buildings 5,000 square feet and greater. The reduction to 3,600 square feet is a Santa Clara County-wide agreement.)

CHAPTER 24:

The proposed amendments to Articles I and II, Chapter 24 of the Mountain View City Code include:

- Review and cleanup of language and removal of nonpertinent sections.
- Coordination of sections between the ordinance and Section 49, Code of Federal Regulations.
- Adding new definitions to provide clarification to areas of the ordinance.

- Replacing toxic gas "Classes" (Class I, II and III) with common terms used in the Fire Code. (This change in terminology is a Santa Clara County proposed amendment.)

CHAPTER 25:

The proposed amendments to Article III, Chapter 25 of the Mountain View City Code include:

- Referencing the recently adopted 2007 California Building Code.
- Updating enforcement responsibility.

CHAPTER 35:

The proposed amendments to Article III, Chapter 35 of the Mountain View City Code to maintain consistency with Palo Alto's Ordinance include:

- Adding requirements for reporting spills to the storm drain.
- Adding language to an existing requirement giving the City the ability to recover cost incurred for repairs and cleanup of spills and overflow of the sanitary sewer system.
- Adding language requiring specific information in Federally mandated industrial pretreatment reports.
- Adding language regarding grease removal device maintenance at food service facilities.
- Adding Best Management Practices which require identification and warning labeling and signage of process and waste piping.
- Adding language prohibiting discharges that could cause corrosion to, or blockage to, the sewer system.
- Reducing the sewer discharge limit for cyanide from 1.0 mg/L to 0.5 mg/L as a result of a sewer discharge limit analysis.
- Adding language prohibiting the use of zinc-containing cooling system additives.
- Adding penalty requirements for dischargers who knowingly submit false information.